

COPY

attachment # 4  
Page 1 of 4

**PERFORMANCE AGREEMENT**

THIS AGREEMENT, made and entered into this 9th day of January, A.D. 2002, between Killearn Commons III, Inc. hereinafter called the "Developer", and LEON COUNTY, a political subdivision of the State of Florida, hereinafter called "the County".

WHEREAS, Killearn Commons III, Inc. has presented to the Board of County Commissioners of Leon County, Florida, a certain map or plat of a subdivision named and designated Deerfield Plantation which map or plat is hereby referred to and made a part hereof by reference, and,

WHEREAS, as a condition to the acceptance and recording of said map or plat, the County has required that the Developer enter into an agreement to construct and pave the roads and streets and to install all drainage facilities in said subdivision in accordance with plans and specifications approve by the County within a period of six (6) months from date hereof, and to further agree to maintain said roads and streets constructed and paved and said drainage facilities installed aforesaid for a period of two (2) years after completion of such construction and paving, or to reimburse the County for all expenses incurred in repair of defects in materials and/or workmanship that become apparent within two (2) years from completion of such construction, paving, installation and acceptance, and to post bond in the amount of \$366,391.00 conditioned for the faithful performance of said agreement, said bond to have as surety thereon some surety company authorized to do business under the laws of the State of Florida

NOW THEREFORE, THIS INDENTURE WITNESSETH: That the Developer hereby agrees to construct and pave the roads and streets and install all drainage facilities in Deerfield Plantation in accordance with plans and specifications approved by the County, within a period of six (6) months from date hereof, and upon completion of such construction and paving, and installation and acceptance thereof by the County to maintain said roads and streets and all drainage facilities for a period of two (2) years, or to reimburse the County for all expenses incurred in repair of any defects in materials and/or workmanship that become apparent within two (2) years, after completion of construction and paving of said roads and streets and installation of all drainage facilities and acceptance thereof by the County.

PERFORMANCE OF THIS AGREEMENT by the Developer shall be secured by surety bond in the amount of \$366,391.00 with surety thereon approved by the County.

IN WITNESS WHEREOF, Killearn Commons III, Inc. has hereunto caused its name to be signed and its corporate seal affixed by its appropriate officers and Leon County Commissioners and its seal affixed by the Clerk of said Board, the day and year first above written.

Killearn Commons III, Inc.

By: \_\_\_\_\_ (Seal)  
Pepper Ghazvini, President

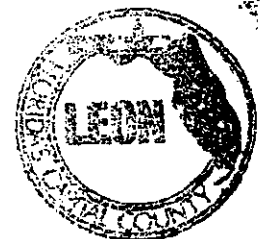
ATTEST:  
\_\_\_\_\_  
Its Secretary

By its Board of County Commissioners

By: \_\_\_\_\_  
Its Chairman

ATTEST:  
Bob Inzer, Clerk  
Circuit Court, Leon County, Florida

By: \_\_\_\_\_  
Deputy Clerk



APPROVED AS TO FORM  
LEON COUNTY ATTORNEY'S OFFICE  
Leon County, Florida

By: \_\_\_\_\_

# **Earl Bacon Agency**

## **INSURANCE • BONDS**

January 8, 2002

Board of County Commissioners  
Leon County Public Works  
Attn: Broward Wilkes, PSM  
301 South Monroe St.  
Tallahassee, FL 32301

RE: Completion Bond #964-000-128  
Killearn Commons III, Inc.  
Liberty Mutual Insurance Company

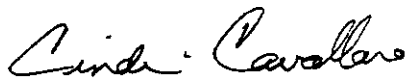
Dear Mr. Wilkes:

The subject bond was executed on December 29, 2000. As it is a completion bond, the bond is in effect until the County releases Killearn Commons III, Inc. from the bond. Therefore, no extension is necessary.

Should you have any questions, please feel free to contact our agency.

Sincerely,

EARL BACON AGENCY, INC.



Cindi Cavallaro  
Commercial Account Manager

VAN MADSEN, AGENT

